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 13 DENNIS FUGNETTI PHOTOGRAPHY TRUST

14 **UNITED STATES COURT OF APPEALS**  
 15 **FOR THE NINTH CIRCUIT**

16 DENNIS FUGNETTI PHOTOGRAPHY  
 17 TRUST,

Nos. 23-55048  
 23-55092

18 Plaintiff-Appellee-Cross-Appellant,  
 19 and

D.C. No. 8:19-cv-00847-SK  
 U.S. District Court for Central  
 California, Santa Ana

20 DENNIS FUGNETTI, Katie Fugnetti  
 21 trustee of the Dennis Fugnetti  
 Photography Trust

**JOINT STIPULATED MOTION  
 TO VOLUNTARILY DISMISS  
 CROSS-APPEALS**

22 Plaintiff  
 23 v.

24 BIRD B GONE, LLC,

25 Defendant-Appellant-Cross-Appellee,  
 and

26 DOES, 1-10, inclusive,

27 Defendant

1 Pursuant to Federal Rule of Appellate Procedure 42(b), Appellant and  
2 Cross-Appellee Bird B Gone, Inc. f/k/a Bird B Gone, LLC and Appellee and  
3 Cross-Appellant Dennis Fugnetti Photography Trust (collectively, the “Parties”)  
4 hereby move this Court for an order dismissing the above captioned appeals.

5 The Parties have agreed to terms to fully and finally resolve their cross-  
6 appeals and the underlying action in the district court. FED. R. APP. P. 42(b)(2).  
7 The Parties have agreed that each side shall bear its costs and fees on appeal.

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Respectfully submitted,

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Dated: March 28, 2023

**THOITS LAW**

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By: /s/John van Loben Sels

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Attorneys for Appellant and Cross-  
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BIRD B GONE, INC.

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